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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/715,258	06/14/91	WILLIAMS	DS/91068

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29M1

LUCAS,S

ART UNIT	PAPER NUMBER
	2

2901

DATE MAILED:

02/25/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 15 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims _____ are allowed.
4. Claims 15 are rejected.
5. Claims _____ are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).
12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

EXAMINER'S ACTION

1. The claim is rejected as non-statutory matter under 35 USC 171 as it is not directed to an article of manufacture. The design as claimed and shown in the drawing disclosure is merely a picture or surface ornamentation rather than a design applied to an article. *Ex parte Tayama*, 24 USPQ2d 1614. Applicant is advised that any supplemental disclosure of an article to which the design might be applied would be new matter under 35 USC 132 and 37 CFR 1.118.
2. The question of restriction under 35 USC 121 is deferred pending resolution of the rejection of the claim under 35 USC 171.
3. No prior art search has been made and the question of patentability under 35 USC 102, 103, and 112 is also deferred pending resolution of the rejection of the claim under 35 USC 171.
4. The claim is rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan J. Lucas whose telephone number is (703) 305-3265.



SUSAN J. LUCAS
EXAMINER
ART UNIT 2901